

REMARKS

The present Amendment is in response to the Examiner's Office Action mailed April 6, 2007. Claims 1-30 are cancelled and new claims 31-47 are added. Claims 31-47 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicants' remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. General Considerations

Applicants respectfully note that the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the patentable distinctions between any cited references and the invention, example embodiments of which are set forth in the claims of this application. Rather, and in consideration of the fact that various factors make it impractical to enumerate all the patentable distinctions between the invention and the cited art, as well as the fact that the Applicants have broad discretion in terms of the identification and consideration of the base(s) upon which the claims distinguish over the cited references, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration by the Applicants, in this case or any other, of additional or alternative distinctions between the invention and the cited references; and/or, the merits of additional or alternative arguments.

With specific reference now to the claim amendments, Applicants note that while claims 1-30 are cancelled and new claims 31-47 are added herein, such amendments have been made in the interest of expediting the allowance of this case. Notwithstanding, Applicants, may, on further consideration, determine that claims 1-30 or additional claims of broader scope than those now presented are supported. Accordingly, Applicants hereby reserve the right to prosecute claims 1-30, or additional claims broader in scope than new claims 31-47, in one or more continuing applications.

Consistent with the points set forth above, Applicants submit that neither the claim amendments set forth herein, nor any other claim amendments or statements advanced by the

Applicants in this or any related case, constitute or should be construed as, an implicit or explicit surrender or disclaimer of claim scope with respect to the cited, or any other, references.

II. CLAIM REJECTIONS UNDER 35 U.S.C. §112

The Examiner rejected claims 1-13 and 23-30 under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants respectfully submit that the rejection has been rendered moot by Applicants' cancellation of the rejected claims. Accordingly, withdrawal of the rejection is respectfully requested.

III. PRIOR ART REJECTIONS

The Examiner rejected claims 1, 2, 14, 16, 20, and 21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pre-Grant Publication No. 2001/0024953 to Balogh ("*Balogh*"); rejected claims 3, 17, and 23-29 under 35 U.S.C. § 103(a) as being unpatentable over *Balogh*; rejected claims 4-13, 15, 18, 19, and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Balogh* in view of U.S. Pre-Grant Publication No. 2003/0219129 to Whelan et al.; and rejected claim 30 under 35 U.S.C. § 103(a) as being unpatentable over *Balogh* in view of U.S. Patent No. 6,697,337 to Cafarelli et al.

Applicants respectfully submit that each rejection has been rendered moot by Applicants' cancellation of the rejected claims. Accordingly, withdrawal of each rejection is respectfully requested.

IV. OBVIOUSNESS TYPE DOUBLE PATENTING REJECTION

In the Office Action, the Examiner provisionally rejected claims 14, 23, 25, 28, and 30 under the judicially created doctrine of obviousness-type double patenting in view of Application Serial No. 10/713,297¹. Applicants respectfully submit that the obviousness type double-patenting rejection has been rendered moot by Applicants' cancellation of the rejected claims. Accordingly, withdrawal of each rejection is respectfully requested.

¹ The Office Action's reference to copending Application No. 10/713,219 appears to be mistaken because Application No. 10/713,219 does not have a common inventor or common assignee with the present application. Instead, Application No. 10/713,297 appears to be the reference intended by the Examiner.

V. New Claims 31-47

New claims 31-47 have been added herein. Support for these new claims can be found at least in paragraphs [068]-[080] and Figure 6. Claims 31-47 are believed to be in condition for allowance.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 6th day of September, 2007.

Respectfully submitted,

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